

## Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-02  
INR-07 NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15  
USIA-15 AF-10 ARA-10 EA-09 NEA-10 OIC-02 /110 W  
-----070047Z 060772 /72

R 061800Z MAY 77  
FM AMEMBASSY VIENNA  
TO SECSTATE WASHDC 1657  
INFO USMISSION USUN

UNCLAS SECTION 1 OF 2 VIENNA 3720

E.O. 11652: N/A  
TAGS: UN, PFOR  
SUBJECT: UN CONFERENCE ON SUCCESSION OF STATES TO TREATIES

BEGIN SUMMARY: IN FINAL SESSIONS ON MAY 5-6, PLENARY OF  
CONFERENCE ADOPTED 25 ARTICLES OF DRAFT CONVENTION, COMMITTEE  
REPORTS, AND RECOMMENDATION CONCERNING CONVENING OF ANOTHER  
SESSION IN 1978 TO CONCLUDE WORK OF CONFERENCE. END SUMMARY.

1. ARTICLES ADOPTED WERE 1, 3 THROUGH 5, 8 THROUGH 11, AND  
13 THROUGH 29. THEY WERE ADOPTED AS FINAL, SUBJECT TO  
REOPENING IN NEXT SESSION ONLY FOR CONSEQUENTIAL CHANGES  
RESULTING FROM ARTICLES THAT MAY BE ADOPTED IN THAT SESSION.

2. EXCEPT FOR RELATIVELY MINOR CHANGES MADE IN DRAFTING  
COMMITTEE OR, IN ONE CASE, IN COMMITTEE OF WHOLE, TEXTS  
OF ARTICLES ADOPTED ARE THOSE OF ILC DRAFT. ARTICLES WERE  
ADOPTED WITHOUT VOTE, WITH EXCEPTION OF ARTICLES 11, 18,  
AND 28. A MOTION BY PHILIPPINES TO DEFER ADOPTION OF ARTICLE 11  
ON BOUNDARY REGIMES ON GROUNDS IT IS CLOSELY BOUND TO ARTICLE  
12 WAS DEFEATED BY VOTE OF 8 FOR, 59 (US) AGAINST,  
9 ABSTENTIONS. THE ARTICLE WAS THEN ADOPTED BY ROLL-CALL  
VOTE OF 71 (US) FOR, 1 (SOMALIA) AGAINST, 8 ABSTENTIONS.  
FOLLOWING A STATEMENT BY SWEDEN ON LACK OF ANY NECESSITY  
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FOR ARTICLE 18 ON PARTICIPATION IN TREATIES SIGNED BY  
PREDECESSOR STATE SUBJECT TO RATIFICATION, ACCEPTANCE OR  
APPROVAL, THE VOTE ON RETAINING ARTICLE WAS 50 FOR,  
15 (US) AGAINST, 10 ABSTENTIONS. ARTICLE 28 ON TERMINATION  
OF PROVISIONAL APPLICATION WAS SUBJECT TO SEPARATE VOTES  
ON MAINTAINING WORD "REASONABLE" IN PARAS 1 TO 3 AND  
MAINTAINING SUBPARA 1 (B). BOTH WERE MAINTAINED AND

ARTICLE AS WHOLE WAS APPROVED T70 (US) FOR, 0 AGAINST, 7 ABSTENTIONS. THE WORDS "ALL OF" HAD BEEN INSERTED IN SUBPARA 1 (B) BETWEEN THE WORD "OR" AND, "THE STATES" AND BEFORE THE WORDS "THE CONTRACTING STATES" BY COMMITTEE OF WHOLE ON MONTION OF US 46 (US, UK, ETC.), 19 AGAINST, 11 ABSTENTIONS FOLLOWING DEFEAT OF A UK MOTION TO INSERT WORDS "ONE OF" IN SAME PLACES.

3. REPORT OF CREDENTIALS COMMITTEE REFERS IN PARA 5 TO RESERVATION ON ISRAELI CREDENTIALS MADE BY QATAR AND SUDAN ON BEHALF OF ARAB DELEGATIONS AND PLO. ISRAEL OBJECTED VEHEMENTLY TO INCLUDING RESERVATION IN REPORT AS OUT OF ORDER AND IRRELEVANT BUT DID NOT REQUEST SEPARATE VOTE ON PARAGRAPH. AFTER STATEMENTS BY SEVERAL ARAB DELEGATIONS IN SUPPORT OF RESERVATION, US DELEGATION EXPRESSED REGRET THAT DEBATE HAD OCCURRED IN CONFERENCE DEVOTED TO ESTABLISHING RULES OF INTERNATIONAL LAW, OF WHICH PROCEDURAL RULES ARE IMPORTANT PART. IT NOTED THAT ISRAEL IS MEMBER OF UN INVITED AS SUCH TO PARTICIPATE IN CONFERENCE AND ROLE OF CREDENTIALS COMMITTEE WAS MERELY TO DETERMINE IF CREDENTIALS WERE IN ORDER. REPORT OF CREDENTIALS COMMITTEE WAS ADOPTED WITHOUT CHANGE BY VOTE OF 79 (US) -0- WITH 2 ABSTENTIONS (ISRAEL AND ECUADOR).

4. THE CONFERENCE ADOPTED A RECOMMENDATION WHICH NOTED STATEMENT BY AUSRIA THAT ITS INVITATION TO HOST CONFERENCE WOULD EXTEND TO A RESUMED SESSION, AND RECOMMENDED THAT GENERAL ASSEMBLY DECIDE TO RECONVENE CONFERENCE IN FIRST HALF OF 1978, PREFERABLY IN APRIL, FOR A FINAL SESSION  
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OF FOUR WEEKS, PREFERABLY IN VIENNA.

5. WHEN PRESIDENT OF CONFERENCE PRESENTED FOR ADOPTION THE DRAFT FINAL REPORT OF THE CONFERENCE ON MORNING OF MAY 6, SRI LANKA OBJECTED TO PARA 14 ON ADOPTION OF THE AGENDA WHICH RECITED THE ACTION TAKEN AT THIRD PLENARY MEETING ON APRIL 14 ADDING A SUPPLEMENTARY ITEM ENTITLED "CONSIDERATION OF THE REQUEST OF THE UN COUNCIL FOR NAMIBIA FOR ACTIVE PARTICIPATION IN THE UN CONFERENCE ON SUCCESSION OF STATES IN RESPECT OF TREATIES (GENERAL ASSEMBLY RESOLUTION 31/149)." SRI LANKA REQUESTED THAT "ACTIVE PARTICIPATION" BE CHANGED TO "FULL PARTICIPATION," AND THAT PORTION OF PARAGRAPH REFERRING TO UN COUNCIL FOR NAMIBIA BE PLACED IN SEPARATE PARAGRAPH. IT WAS SUPPORTED

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BY NIGER, TANZANIA, ALGERIA, AND KENYA. THE UK, US, FRANCE, AND SOVIET UNION OBJECTED TO REVISING A FACTUAL RECITAL OF WHAT HAD BEEN THE DECISION OF PLENARY ON APRIL 14, WHILE ACKNOWLEDGING THAT IF THE PLENARY NOW WISHED TO TAKE A FURTHER A POSSIBLY DIFFERENT DECISION ON THE SUBJECT, IT WAS FREE TO DO SO. AFTER A DELAY OF SEVERAL HOURS A COMPROMISE FORMULA WAS WORKED OUT, REPLACING THE FORMER WORDING WITH FOLLOWING TWO PARAGRAPHS:  
QUOTE: 15. AT ITS THIRD PLENARY MEETING ON THURSDAY, 14 APRIL 1977, THE CONFERENCE DECIDED TO ADD A SUPPLEMENTARY ITEM TO ITS AGENDA ENTITLED "CONSIDERATION OF REQUEST OF THE UNITED NATIONS COUNCIL FOR NAMIBIA FOR ACTIVE PARTICIPATION IN THE UNITED NATIONS CONFERENCE ON SUCCESSION OF STATES IN RESPECT OF TREATIES" (GENERAL ASSEMBLY RESOLUTION 31/149). UNDER THAT ITEM THE PRESIDENT REMINDED THAT OPERATIVE PARAGRAPH 3 OF GENERAL ASSEMBLY RESOLUTION 31/149 ENTITLED "ACTION BY INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS WITH RESPECT TO NAMIBIA" PROVIDES THE FOLLOWING: "REQUESTS ALL... CONFERENCES WITHIN THE UNITED NATIONS SYSTEM TO CONSIDER GRANTING FULL MEMBERSHIP TO THE UNITED NATIONS COUNCIL FOR NAMIBIA SO THAT IT MAY PARTICIPATE IN THAT CAPACITY AS THE ADMINISTERING AUTHORITY FOR NAMIBIA IN THE WORK OF THOSE... CONFERENCES".

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THE CONFERENCE TOOK A DECISION IN FAVOR OF PARTICIPATION AS REQUESTED BY THE UN COUNCIL FOR NAMIBIA.

16. AT ITS 4TH PLENARY MEETING HELD ON 27 APRIL 1977,

THE PRESIDENT STATED THE FOLLOWING:

"THE CONFERENCE WILL RECALL THAT UNDER THIS ITEM AND UPON THE REQUEST OF THE DELEGATION OF THE UNITED NATIONS COUNCIL FOR NAMIBIA REFERRING TO GENERAL ASSEMBLY RESOLUTION 31/149, IT TOOK A DECISION CONCERNING THAT DELEGATION'S PARTICIPATION IN THE CONFERENCE. NOW, IN THE CONTEXT OF THE IMPLEMENTATION OF THAT DECISION THE DELEGATION OF THE UNITED NATIONS COUNCIL FOR NAMIBIA HAS REQUESTED THAT THE CONFERENCE SHOULD STATE EXPLICITLY THAT THE DELEGATION OF THE UNITED NATIONS COUNCIL FOR NAMIBIA HAS ALSO THE RIGHT TO SUBMIT PROPOSALS AND AMENDMENTS." THE CONFERENCE SO DECIDED. UNQUOTE.

6. THE REVISED PARAGRAPHS WERE ACCEPTED WITHOUT OBJECTION AFTER ALGERIA AND QATAR, WHOSE DELEGATES EVIDENTLY HAD MISUNDERSTOOD WHAT HAD GONE ON IN THE AFRICAN GROUP, OBJECTED TO THE REVISIONS BUT WITHDREW THE OBJECTIONS AFTER HURRIED VISITS FROM KEY MEMBERS AFRO-ASIAN GROUP.

7. THE REVISED PARAGRAPHS POSTPONE THE ARGUMENT UNTIL THE NEXT SESSION OF THE CONFERENCE AND, IN THE OPINION OF THE DELEGATION, DO NOT AFFECT IN ANY SUBSTANTIAL WAY THE CURRENT POSITION.MEEHAN

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## Message Attributes

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